# Exhibit E

May 12, 2020

RE: L-1A Application for Faiz Ravish Makani

Dear USCIS Officer,

Mr. Faiz Ravish Makani was employed by ARK Logistics in Mumbai, India since August 2017 up to present. In his position as Distribution Head Manager, he was required to handle both supervision and direction of various employees, as well as provide guidance and set appropriate procedures. His supervisory and technical skills, as required by this position, include the following:

# <u>Distribution Head Manager - Bachelor's Degree in Commerce 20,000 INR:</u>

Mr. Makani, aside from guiding and setting appropriate procedures, was responsible for the following job duties in his position as Distribution Head Manager (see specific daily job duties attached separately):

- Responsibility #1: Exercised full control over the day-to-day operations including developing and managing operating budget and distribution of products, parts and inventory 40%
- Responsibility #2: Oversee and monitor team members' performance, and make personnel decisions (hiring, firing) 10%
- Responsibility #3: Along with the Warehouse Manager and Customer Service Manager oversee outstanding purchase orders, delivery deadlines, inventory on hand, damaged/expired goods, and customer customer/service issues 30%
- Responsibility #4: Oversee costs, profits, and other product options 20%

According to 8 C.F.R. §214.2(I), intracompany transferees are eligible for nonimmigrant visas if they were in a managerial capacity. 8 C.F.R. §214.2(I)(1)(ii)(B) which means an assignment within an organization in which the employee primarily: (1) Manages the organization, or a department, subdivision, function, or component of the organization; (2) Supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function within the organization, or a department or subdivision of the organization; (3) Has the authority to hire and fire or recommend those as well as other personnel actions (such as promotion and leave authorization) if another employee or other employees are directly supervised; if no other employee is directly supervised, functions at a senior level within the organizational hierarchy or with respect to the function managed; and (4) Exercises discretion over the day to-day operations of the activity or function for which the employee has authority.

Responsibilities # 1 - #4 show he is clearly in charge of managing the entire organization from the distribution, training, hiring, and firing, he has very little if any supervision on a day to day basis from the owner.

# APEROGRAPHICS

The organization chart as well as documents (attached) shows he has full supervision and control of 2 supervisors (their daily job duties are below).

Responsibility #2 shows he is clearly in charge of all personnel decisions, including hiring, firing, leave, etc. See attached documents showing this duty.

Responsibilities #1 - #4 along with documents attached show he has full discretion over day to day operations, with little or no direction from the owner.

# Supervised Employees who Report directly to Distribution Head Manager

#### Specific Daily Job Duties

Mr. Makani directly supervised two managers and had 100% discretion (to hire, fire, reprimand, etc.) over these employees and their work:

# Warehouse Manager- Bachelor's Degree in Commerce 16,000 INR

- Review of warehouse reports that show outstanding purchase orders, delivery deadlines and inventory on hand, damaged/expired goods, and discussions with subordinates to resolve discrepancies 45%
- Discussions with personnel to ensure daily warehouse tasks are being completed such as receiving, handling, compliance with health and safety, and storing 45%
- Discussions with subordinates for training, resolving issues, and reprimands 10%

#### Customer Service Manager- Bachelor's Degree in Commerce 18,000 INR

- Review of customer inquiry report that shows current customer/service issues and discussions with subordinates to resolve issues with transport companies, suppliers and clients 50%
- Follow ups with subordinates to ensure resolution of earlier customer inquiries 15%
- Review of freight inquiries, quotations and coordinates with subordinates to resolve issues with local and international clients 15%
- Discussions with subordinates for training, resolving issues, and reprimands 10%
- Review of outstanding invoices and customer records with subordinates 10%

Also, please note Section 101(a)(44)(A) of the Act states that the beneficiary's subordinate supervisory employees need not hold professional-level position in order for him to qualify as a manager.

ARRIDAMIES

Mr. Makani's daily activities (attached) are devoted fully to qualifying duties. Subordinates were supervised via frequent performance reviews based on KPI (Key Performance Index) factors such as quality and schedule aspects. KPI offers the most significant performance information to recognize whether the project and task is on track.

Mr. Makani has matured in his role as Distribution Head Manager by learning and expanding his supervisory and technical skills and knowledge of business and management principles, resource allocation, leadership and production methods, along with coordination of people and resources. Therefore, it has been resolved that on behalf of ARK Logistics, it will be key to have Mr. Makani running Texan Dogs, LLC.

Amwaan Makani

Proprietor

# **SPECIFIC DAILY JOB DUTIES**

<u>Distribution Head Manager – Bachelor's Degree in Commerce 20,000 INR:</u>

Schedule:

9:00 a.m.-10:30 a.m. Meet with Warehouse Manager to review warehouse reports that show outstanding purchase orders, delivery deadlines and inventory on hand, damaged/expired goods, and discussions regarding any personnel issues

10:30 a.m.-12:00 Meet with Customer Service Manager to review customer inquiry report that shows current customer/service issues and discussions regarding any personnel issues

12:00 p.m.-1 p.m. Break

1:00 p.m.-2 p.m. Meet with vendors to negotiate costs and provide distribution solutions

2 p.m. to 4 p.m. Meet with potential corporate customers to offer services and additional products

 $4\ p.m.$  to  $5\ p.m.$  Resolve any issues arising during the day with Warehouse Manager and/or Customer Service Manager

# Texan Dogs, LLC 6117 Richmond Ave. Suite 250 Houston, TX 77057

May 15, 2020

Re: L-1A Application for Mr. Faiz Ravish Makani, Intracompany Transferee Executive under 8 CFR 214.2(l)(1)(ii)

Dear USCIS Officer:

This letter is in response to the Request for Evidence dated February 24, 2020.

# THE PETITIONER

Based in Houston, TX, Texan Dogs, LLC was formed on 1/10/2020 and is 51% owned by our Foreign Parent, ARK Logistics and 49% owned by ZAAS Investments, LLC. ARK Logistics and ZAAS Investments LLC have entered into agreement to develop and operate Wienerschnitzel franchises in the Houston area under the US entity, Texan Dogs, LLC.

Wienerschnitzel, founded in 1961, is the largest hot dog franchise in America with over 300 locations nationwide. We feel our target of industrial rural areas fits the target demographic and provides a niche fast food option that is unique with an established reputation. Furthermore, the operations of the restaurant are attractive given the simplicity of the recipes. Wienerschnitzel only provides three core products, hot dogs, fries, and sandwiches. All other offerings are variations from the core, which make it easy to provide consistent customer experience. From the financial perspective, the food cost for Wienerschnitzel is much lower than a typical pizza or hamburger establishment. This provides us more room to pay higher wages as food cost is minimal.

I have also included actual financials and related documents for a related entity using the same franchise model.

### THE POSITION OFFERED

Texan Dogs, LLC wishes to employ Mr. Makani as a Chief Executive Officer on a full-time regular basis at a yearly salary of \$48,000.00 USD plus incentives and bonuses.

As a Chief Executive Officer, Mr. Makani will be responsible for:

- Responsibility # 1-Provide timely reports to ARK Logistics and Texan Dogs, LLC stockholders of business operations and profitability in the United States to keep all apprised 20%
- Responsibility #2-Oversee efficient operation of the restaurant and set financial goals in consultation with CFO 10%
- Responsibility #3-Determine, along with CFO and Construction Manager, the future locations of new restaurants 10%
- Responsibility #4-Oversee all financial measurements and set goals (ex: deb/equity ratio, etc.) of Texan Dogs, LLC. 10%
- Responsibility #5-Oversee all departments from development to shift leaders 20%
- Responsibility #6-Oversee personnel decisions (hiring, firing, coaching, etc.) and recruitment of new staff/crew members and managers/developers 10%
- Responsibility #7-Oversee day-to-day operations of the restaurant and setting policies along with community outreach and public relations 20%

According to 8 C.F.R. §214.2(l), intracompany transferees are eligible for nonimmigrant visas if they will be in an executive capacity. Per 8 C.F.R. §214.2(l)(1)(ii)(C), an executive which means an assignment within an organization in which the employee primarily:

- (1) Directs the management of the organization or a major component or function of the organization;
- (2) Establishes the goals and policies of the organization, component, or function;
- (3) Exercises wide latitude in discretionary decision-making; and
- (4) Receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the organization.

Responsibilities #5 - #7 show he is clearly in charge of directing the organization.

Responsibilities #4 and #7 shows he will establish goals and policies of the organization.

Responsibilities #1 - #3 along with organization chart attached show he has wide latitude over decision making, with little or no direction from the foreign entity.

# SUPERVISED EMPLOYEES

Mr. Makani would supervise the following: CFO of Business Development and COO Construction Manager and have 100% discretion over these employees (ALL FULL-TIME) and their work:

- 1. Zaheed Umatiya-CFO/Business Development, one employee, Salary \$25,000 base/year + incentive bonus
  - Monitor the cash balances and forecasts 30%
  - Find new opportunities for more locations and ensure site selections meet our standards 10%
  - Comply with local, state, and federal government reporting requirements and accounting records
  - Manage the restaurant capital and budget 30%
  - Oversee restaurant's transaction processing system 20%
- 2. Ajaz Punjani-COO/Construction Manager, one employee Salary \$25,000 base/year + incentive bonus
  - Handle construction and the physical development of the restaurant 40%
  - Determine contractors' schedules and obtain permits, licenses, etc. 20%
  - Coordinate with government regulatory agencies 20%
  - Manage contractors and suppliers to ensure Wienerschnitzel building standards are met 10%
  - Ensure kitchen equipment and mechanics are working during opening 10%

Further, see attached another related entity showing the same franchise model in operation with similar # of employees, expenses, and sales. These subordinates will clearly handle other duties and no non-qualifying duties will be given to Mr. Makani as an Executive.

If you have any further questions, please do not hesitate to let me know.

Sincerely,

Zaheed Umatiya, CFO

Texan Dogs, Inc.

# **SPECIFIC DAILY JOB DUTIES**

<u>CEO</u>

Schedule:

9:00 a.m.-10:30 a.m. Meet with COO regarding construction issues, personnel issues, and health issues

10:30 a.m.-12:00 Meet with CFO regarding financial issues and other locations

12:00 p.m.-1 p.m. Break

1:00 p.m.-2 p.m. Meet with vendors to negotiate costs

2 p.m. to 4 p.m. Meet with potential corporate customers and community partners to offer services and additional products

4 p.m. to 5 p.m. Resolve any issues arising during the day with COO and CFO